

105TH CONGRESS
2D SESSION

S. 2258

To provide for review on a case-by-case basis of the effectiveness of country sanctions mandated by statute.

IN THE SENATE OF THE UNITED STATES

JUNE 26, 1998

Mr. GLENN introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To provide for review on a case-by-case basis of the effectiveness of country sanctions mandated by statute.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sanctions Implementa-
5 tion Procedures Act of 1998”.

6 **SEC. 2. PROCEDURES FOR IMPLEMENTATION OF COUNTRY**
7 **SANCTIONS.**

8 (a) CIRCUMSTANCES UNDER WHICH SANCTIONS
9 MAY BE DELAYED OR SUBSEQUENTLY IMPOSED.—

1 (1) AUTHORITY TO DELAY.—Notwithstanding
2 any other provision of law and except as otherwise
3 provided in this subsection, the President may delay
4 the initial imposition of a country sanction man-
5 dated by statute with respect to a sanctionable activ-
6 ity if the President determines that the delay is nec-
7 essary—

8 (A) to assist in negotiating a cessation by
9 the country of the sanctionable activity; or

10 (B) for a review of the potential effective-
11 ness of the sanction in accordance with this sec-
12 tion.

13 (2) TERMINATION OF DELAY.—Except as pro-
14 vided in paragraphs (3) and (4), a delay commenced
15 under paragraph (1) with respect to a country sanc-
16 tion shall terminate, and the country sanction shall
17 be imposed with respect to the sanctionable activity,
18 on the earlier of—

19 (A) the date that is 45 days after the date
20 the delay commenced; or

21 (B) in the case of a report submitted
22 under subsection (b) that does not contain a
23 recommendation described in subsection (b)(5),
24 on the date of submission of the report.

1 (3) EXTENDED DELAY IN CASE OF CONGRES-
2 SIONAL REVIEW.—In the case of a report submitted
3 under subsection (b) that contains a recommenda-
4 tion described under subsection (b)(5) that a coun-
5 try sanction should not apply with respect to the
6 sanctionable activity, a delay commenced under
7 paragraph (1) with respect to a country sanction
8 shall terminate, and the country sanction shall be
9 imposed with respect to the sanctionable activity, on
10 the date that is 15 session days of Congress after
11 Congress receives the report containing the rec-
12 ommendation unless, within the 15-day period, Con-
13 gress enacts a joint resolution approving the rec-
14 ommendation of the President that the country sanc-
15 tion should not apply with respect to the
16 sanctionable activity.

17 (4) PRESIDENTIAL DISCRETION.—The Presi-
18 dent may subsequently impose at any time a country
19 sanction delayed under paragraph (1) with respect
20 to the same sanctionable activity except in the case
21 of—

22 (A) an extended delay under paragraph
23 (3);

24 (B) the inapplicability of a country sanc-
25 tion under subsection (c); or

1 (C) the removal of a country sanction
2 under subsection (e).

3 (5) FEDERAL REGISTER PUBLICATION.—The
4 President shall cause notice of a delay in imposition
5 of a country sanction and any subsequent imposition
6 of the country sanction to be published in the Fed-
7 eral Register.

8 (6) STATUTORY CONSTRUCTION.—Nothing in
9 this subsection authorizes the President to suspend
10 any country sanction in effect as of the date of en-
11 actment of this Act.

12 (b) INITIAL SANCTION REPORTS.—Not later than 45
13 days after the commencement of a delay under subsection
14 (a), without regard to whether the country sanction is sub-
15 sequently imposed under subsection (a)(4), the President
16 shall submit a report to Congress setting forth, for the
17 country sanction with respect to the sanctionable activ-
18 ity—

19 (1) the objectives of the country sanction de-
20 layed;

21 (2) the extent of multilateral support, if any,
22 for the imposition of the country sanction;

23 (3) the estimated impact on the country to be
24 sanctioned;

1 (4) the costs and benefits to the United States
2 of imposing the country sanction, taking into ac-
3 count intangible as well as tangible costs and bene-
4 fits; and

5 (5) if the President so determines, based on the
6 information contained in paragraphs (1) through
7 (5), a recommendation that the country sanction
8 should not apply with respect to a sanctionable ac-
9 tivity.

10 (c) INAPPLICABILITY OF COUNTRY SANCTIONS.—
11 Notwithstanding subsection (a) (2) or (4), a country sanc-
12 tion with respect to which the President has made a rec-
13 ommendation under subsection (b)(5) shall not apply with
14 respect to the sanctionable activity covered by the rec-
15 ommendation if Congress enacts a joint resolution approv-
16 ing the recommendation of the President in accordance
17 with section 3.

18 (d) BIENNIAL AND ANNUAL SANCTION REPORTS.—
19 Two years after the date of initial imposition of any coun-
20 try sanction mandated by statute, and annually thereafter,
21 the President shall submit a report to Congress setting
22 forth, for the country sanction with respect to the
23 sanctionable activity—

1 (1) a summary evaluation of the effectiveness of
2 the country sanction as an instrument of United
3 States foreign policy;

4 (2) the objectives of the continued imposition of
5 the country sanction;

6 (3) the extent of multilateral support for the
7 continued imposition of the country sanction;

8 (4) the estimated impact achieved and likely to
9 continue to be achieved by the country sanction;

10 (5) the costs and benefits to the United States
11 of the continued imposition of the country sanction,
12 taking into account intangible as well as tangible
13 costs and benefits; and

14 (6) if the President so determines, based on the
15 information contained in paragraphs (1) through
16 (5), a recommendation that the country sanction be
17 removed from application to a sanctioned country
18 with respect to a sanctionable activity.

19 (e) REMOVAL OF COUNTRY SANCTIONS.—Notwith-
20 standing any other provision of law, a country sanction
21 with respect to which the President has made a rec-
22 ommendation under subsection (c)(6) shall be removed
23 from application to the sanctioned country with respect
24 to the sanctionable activity covered by the recommenda-
25 tion upon the enactment by Congress of a joint resolution

1 approving the recommendation of the President in accord-
 2 ance with section 3.

3 (f) **EFFECTIVE DATE.**—This section shall apply with
 4 respect to country sanctions required to be commenced on
 5 or after the date of enactment of this Act, except that
 6 subsections (d) and (e) shall apply—

7 (1) in the case where the initial imposition of
 8 the sanction occurred less than two years prior to
 9 the date of enactment of this Act, on the second an-
 10 niversary of the initial imposition of the sanction;
 11 and

12 (2) in the case where the initial imposition of
 13 the sanction occurred more than two years prior to
 14 the date of enactment of this Act, on the next anni-
 15 versary of the imposition of the sanction following
 16 the date of enactment of this Act.

17 **SEC. 3. PROCEDURES FOR JOINT RESOLUTIONS OF AP-**
 18 **PROVAL.**

19 (a) **JOINT RESOLUTION DEFINED.**—For purposes of
 20 this section, the term “joint resolution” means—

21 (1) in the case of a joint resolution introduced
 22 within 5 session days of Congress of receipt by Con-
 23 gress of a report described in section 2(b), only a
 24 joint resolution the matter after the resolving clause
 25 of which is as follows: “That Congress approves the

1 recommendation of the President to not apply the
2 country sanction described in the report submitted
3 on pursuant to section 2(b) of the Sanctions
4 Implementation Procedures Act of 1998 with respect
5 to the sanctionable activity described in the report.”,
6 with the blank filled in with the appropriate date;
7 and

8 (2) in the case of a joint resolution introduced
9 within 5 session days of Congress of receipt by Con-
10 gress of a report described in section 2(d), only a
11 joint resolution the matter after the resolving clause
12 of which is as follows: “That Congress approves the
13 recommendation of the President to remove the
14 country sanction described in the report submitted
15 on pursuant to section 2(d) of the Sanctions
16 Implementation Procedures Act of 1998 with respect
17 to the sanctionable activity described in the report.”,
18 with the blank filled in with the appropriate date.

19 (b) REFERRAL OF RESOLUTIONS.—A resolution de-
20 scribed in subsection (a) that is introduced in the Senate
21 shall be referred to the Committee on Foreign Relations
22 of the Senate. A resolution described in subsection (a) that
23 is introduced in the House of Representatives shall be re-
24 ferred to the Committee on International Relations of the
25 House of Representatives.

1 (c) DISCHARGE OF COMMITTEES.—If the committee
2 to which is referred a resolution described in subsection
3 (a) has not reported such resolution (or an identical reso-
4 lution) at the end of 5 session days of Congress after its
5 introduction, the committee shall be deemed to be dis-
6 charged from further consideration of the resolution and
7 the resolution shall be placed on the appropriate calendar
8 of the House involved.

9 (d) MOTIONS TO PROCEED TO THE CONSIDERATION
10 OF THE RESOLUTIONS.—Whenever the committee to
11 which a resolution is referred has reported, or has been
12 deemed to be discharged from further consideration of, a
13 resolution described in subsection (a), it is at any time
14 thereafter in order (even though a previous motion to the
15 same effect has been disagreed to) for any member of the
16 respective House to move to proceed to the consideration
17 of the resolution, and all points of order against the reso-
18 lution (and against consideration of the resolution) are
19 waived. The motion is highly privileged in the House of
20 Representatives and is privileged in the Senate and is not
21 debatable. The motion is not subject to amendment, or
22 to a motion to postpone, or to a motion to proceed to the
23 consideration of other business. A motion to reconsider the
24 vote by which the motion is agreed to or disagreed to shall
25 not be in order. If a motion to proceed to the consideration

1 of the resolution is agreed to, the resolution shall remain
2 unfinished business of the respective House until disposed
3 of.

4 (e) TIME FOR DEBATE.—Debate on the resolution,
5 and on all debatable motions and appeals in connection
6 therewith, shall be limited to not more than 8 hours, which
7 shall be divided equally between those favoring and those
8 opposing the resolution. A motion further to limit debate
9 is in order and not debatable. An amendment to, or a mo-
10 tion to postpone, or a motion to proceed to the consider-
11 ation of other business, or a motion to recommit the reso-
12 lution is not in order. A motion to reconsider the vote by
13 which the resolution is agreed to or disagreed to is not
14 in order.

15 (f) VOTE ON FINAL PASSAGE.—Immediately follow-
16 ing the conclusion of the debate on a resolution described
17 in subsection (a), and a single quorum call at the conclu-
18 sion of the debate if requested in accordance with the rules
19 of the appropriate House, the vote on final passage of the
20 resolution shall occur.

21 (g) APPEALS.—Appeals from the decisions of the
22 Chair relating to the application of the rules of the Senate
23 or the House of Representatives, as the case may be, to
24 the procedure relating to a resolution described in sub-
25 section (a) shall be decided without debate.

1 (h) TREATMENT OF OTHER HOUSE'S RESOLU-
 2 TION.—If, before the passage by one House of a resolution
 3 of that House described in subsection (a), that House re-
 4 ceives from the other House a resolution described in sub-
 5 section (a), then the following procedures shall apply:

6 (1) The resolution of the other House shall not
 7 be referred to a committee.

8 (2) With respect to a resolution described in
 9 subsection (a) of the House receiving the resolu-
 10 tion—

11 (A) the procedure in that House shall be
 12 the same as if no resolution had been received
 13 from the other House; but

14 (B) the vote on final passage shall be on
 15 the resolution of the other House.

16 (i) PRESIDENTIAL VETOES.—

17 (1) IN GENERAL.—Upon receipt of a message
 18 from the President returning the joint resolution un-
 19 signed to the House of origin and setting further his
 20 objections to the joint resolution, the House receiv-
 21 ing the message shall immediately enter the objec-
 22 tions at large on the journal of that House and the
 23 House shall proceed to the immediate reconsider-
 24 ation of the joint resolution the objections of the
 25 President to the contrary notwithstanding or of a

1 motion to proceed to the immediate reconsideration
 2 of the joint resolution, or the joint resolution and
 3 objections shall lie on the table. Upon receipt of a
 4 message of a House transmitting the joint resolution
 5 and the objections of the President, the House re-
 6 ceiving the message shall proceed to the immediate
 7 reconsideration of the joint resolution the objections
 8 of the President to the contrary notwithstanding or
 9 of a motion to proceed to the immediate reconsider-
 10 ation of the joint resolution, or the joint resolution
 11 and objections shall lie on the table. A motion to
 12 refer the joint resolution to a committee shall not
 13 be in order in either House.

14 (2) MOTION TO PROCEED.—After the receipt of
 15 a message by a House as described in paragraph
 16 (1), it is at any time in order (even though a pre-
 17 vious motion to the same effect has been disagreed
 18 to) for any Member of the respective House to move
 19 to proceed to the reconsideration of the joint resolu-
 20 tion the objections of the President to the contrary
 21 notwithstanding. The motion is highly privileged in
 22 the House of Representatives and is a question of
 23 highest privilege in the Senate and is not debatable.
 24 The motion is not subject to amendment, or to a
 25 motion to postpone, or to a motion to proceed to the

1 consideration of other business. A motion to recon-
2 sider the vote by which the motion is agreed to or
3 disagreed to shall not be in order. If a motion to
4 proceed to the reconsideration of the resolution is
5 agreed to, the resolution shall remain the unfinished
6 business of the respective House until disposed of.

7 (3) LIMIT ON DEBATE.—Debate on reconsider-
8 ation of the joint resolution, and on all debatable
9 motions and appeals in connection therewith, shall
10 be limited to not more than 8 hours, which shall be
11 divided equally between those favoring and those op-
12 posing the joint resolution. A motion further to limit
13 debate is in order and not debatable. An amendment
14 to, or a motion to postpone, or a motion to proceed
15 to the consideration of other business is not in
16 order. A motion to reconsider the vote by which the
17 joint resolution is agreed to notwithstanding the ob-
18 jections of the President or disagreed to is not in
19 order.

20 (4) VOTE TO OVERRIDE VETO.—Immediately
21 following the conclusion of the debate on reconsider-
22 ation of the resolution, and a single quorum call at
23 the conclusion of the debate if requested in accord-
24 ance with the rules of the appropriate House, the
25 vote on the question of passage, the objections of the

1 President to the contrary notwithstanding, shall
 2 occur.

3 (j) RULES OF THE SENATE AND THE HOUSE.—This
 4 section is enacted by Congress—

5 (1) as an exercise of the rulemaking power of
 6 the Senate and House of Representatives, respec-
 7 tively, and as such as it is deemed a part of the
 8 rules of each House, respectively, but applicable only
 9 with respect to the procedure to be followed in that
 10 House in the case of a resolution described in sub-
 11 section (a), and it supersedes other rules only to the
 12 extent that it is inconsistent with such rules; and

13 (2) with full recognition of the constitutional
 14 right of either House to change the rules (so far as
 15 relating to the procedure of that House) at any time,
 16 in the same manner and to the same extent as in
 17 the case of any other rule of that House.

18 **SEC. 4. DEFINITIONS.**

19 In this Act:

20 (1) COUNTRY SANCTION.—The term “country
 21 sanction” means any prohibition or restriction that
 22 is expressly directed to or is applied to, a specific
 23 foreign country or government—

24 (A) on the use of Federal funds with re-
 25 spect to the foreign country or government; or

1 (B) on transactions involving property in
2 which the foreign country or government has
3 any interest.

4 (2) MANDATED BY STATUTE.—The term “man-
5 dated by statute”—

6 (A) means any direction or requirement ex-
7 pressed in statute; and

8 (B) excludes any provision of law confer-
9 ring discretion or authority upon an officer or
10 employee of the United States, including any
11 authority to exercise a waiver or delay in the
12 implementation of a statutory provision, except
13 that this exclusion does not apply to any provi-
14 sion of law containing a waiver that may only
15 be exercised on grounds more restrictive than a
16 determination that it is in the national interests
17 of the United States to do so.

18 (3) INITIAL IMPOSITION.—The term “initial im-
19 position” means, with respect to a sanction or sanc-
20 tions, the first imposition of any sanction with re-
21 spect to a specific determination made under the
22 statute mandating the sanction.

23 (4) SANCTIONABLE ACTIVITY.—The term
24 “sanctionable activity” means the conduct of the for-
25 eign country or government that is the basis for the

1 imposition of a country sanction mandated by stat-
2 ute.

3 (5) SESSION DAY OF CONGRESS.—The term
4 “session day of Congress” means any day on which
5 the respective House of Congress is in session.

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